IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

**JUDGMENT**

SB CIVIL MISC. APPEAL NO.1421/2005
Mukesh
V/s
Ram Nath & Ors.

Date of order : : 27.10.2006

**HON'BLE MR. JUSTICE P.S. ASOPA**

Mr.Vinay Mathur, for the appellant.

This is an appeal on behalf of the injured appellant for enhancement of compensation against the award dated 10.2.2005 in MAC case No.530/2004 (1057/2001) (569/1999) passed by the MACT cum Additional District Judge (Fast Track) No.2, Tonk.

The facts, in brief, of the case are that on 26.4.1999, the appellant was going by Tractor Trolley No.RJ-08-G-3469 along with other persons, when they reached on Ram Ganj Balaji Highway, Bundi, a Truck No.RJ-14-G-8841 hit the Tractor. As a result of which, the appellant sustained injuries.

The Claims Tribunal has considered the injury report Ex.4, according to which, there are two injuries, out of which one is of grievous nature i.e.

fracture and considering the said fact, the Claims Tribunal in all has awarded Rs.30,000/-.

The submission of counsel for the appellant is that since there was a fracture, more amount should have been awarded to the appellant considering the fact of 5% disability.

I have gone through the award of the Claims Tribunal and further considered the submission of counsel for the appellant.

In my view, for 5% disability, in all compensation of Rs.30,000/- for medical treatment, transportation, look after, nutritious food, physical pain, mental agony and loss of earning, is sufficient. The compensation awarded by the Claims Tribunal is just, legal and proper. No interference is called for.

The appeal fails and is dismissed.

**(P.S. ASOPA) J.**

ummed/-